

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IRMA HAYES,

Plaintiff,

-vs-

Case No. 16-cv-

Hon.
Mag.

TECHNICAL TRAINING, INC.,
a Domestic Profit
Corporation, and FCA US LLC,
a Delaware Corporation, jointly
and severally,

Defendants.

Barry S. Fagan (P34275)
FAGAN McMANUS, P.C.
Attorneys for Plaintiff
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COMPLAINT AND JURY DEMAND

There is no other pending or resolved civil action
arising out of the transaction or occurrence
alleged in the Complaint.

NOW COMES Plaintiff, IRMA HAYES, by and through her attorneys,
FAGAN McMANUS, P.C., and for her cause of action against the Defendants,
jointly and severally, states as follows:

JURISDICTIONAL ALLEGATIONS

1. Plaintiff, IRMA HAYES, is an individual residing in the City of

Pontiac, County of Oakland, State of Michigan.

2. Defendant, TECHNICAL TRAINING, INC., (hereinafter referred to as “TTI GLOBAL”), is a Domestic Profit Corporation and at all times pertinent hereto did operate a business in the City of Rochester Hills, County of Oakland, State of Michigan.

3. Defendant, FCA US LLC, (hereinafter referred to as “FCA”), is a Delaware Limited Liability Corporation with its principal place of business in the City of Auburn Hills, County of Oakland, State of Michigan.

4. This Court has jurisdiction pursuant to 28 U.S.C. §1331 (federal question).

5. The amount in controversy is in excess of \$75,000.00, exclusive of interest, costs, and attorney fees.

GENERAL ALLEGATIONS

6. Plaintiff became an employee of Defendant, TTI GLOBAL commencing on December 10, 2012.

7. TTI Global is a staffing Company and contracted with FCA to provide Plaintiff’s services to FCA.

8. Plaintiff was hired for the position of International Market Specialist and was assigned to work at Defendant FCA, reporting to an FCA Manager.

9. Plaintiff’s last position was International Training Liaison for

Chrysler Academy.

10. At all times pertinent hereto, although Plaintiff was technically employed by Defendant, TTI GLOBAL, she was performing services for FCA, reported directly to an FCA Manager, and was under the direction and control of FCA and, as a result, Defendants were joint employers of Plaintiff.

11. During Plaintiff's employment with Defendants, she was treated for Acute Diverticulitis.

12. As a result of her medical condition, Plaintiff was hospitalized in November 2015 and January 2016.

13. Subsequently, Plaintiff was advised by her treating physician that she was in need of surgery as a result of recurrent attacks of Acute Diverticulitis.

14. On March 29, 2016, Plaintiff advised Defendants that she was requesting six weeks of medical leave under the Family Medical Leave Act (hereinafter referred to as the "FMLA") as a result of her serious health condition in order to have surgery and to recover from same.

15. Plaintiff also spoke to her Manager at FCA regarding her need for FMLA leave.

16. On April 1, 2016 Plaintiff was advised by TTI Global that her employment was being terminated at the direction of Defendant FCA.

COUNT I
VIOLATION OF THE FMLA

17. Plaintiff incorporates paragraphs 1 through 16 above as if specifically repeated herein.

18. Plaintiff was an eligible employee within the meaning of the FMLA as:

- a) Plaintiff was employed by Defendants for a time period greater than 12 months;
- b) During the aforementioned 12 months, Plaintiff worked greater than 1250 hours.

19. Defendants are employers within the meaning of the FMLA, as they employ greater than 50 employees within a 75 mile radius of Plaintiff's worksite.

20. Pursuant to the FMLA, Plaintiff was entitled to 12 work weeks of leave for a serious health condition.

21. Plaintiff had a serious health condition under the FMLA.

22. Defendants willfully violated the FMLA by:

- a) Interfering with Plaintiff's right to take FMLA leave;
- b) Discriminating and retaliating against Plaintiff for requesting FMLA protected leave;
- c) Terminating Plaintiff's employment;

d) Other violations which are yet to be discovered;

23. Defendants willfully violated the FMLA in that they knew that such conduct was prohibited under the statute or acted in reckless disregard of whether such conduct was prohibited.

24. As a direct and proximate result of the FMLA violations, Plaintiff has suffered and in the future will suffer damages including, but not limited to, lost wages, employment benefits, and other compensation, past and future.

25. Pursuant to the FMLA, Plaintiff is entitled to:

- a) All wages, salary, employment benefits, or other compensation denied or lost by reason of the violation;
- b) Interest;
- c) Liquidated damages;
- d) Attorney fees;
- e) Other damages/remedies available under the law;
- f) Appropriate equitable relief

WHEREFORE, Plaintiff prays for Judgment against Defendants, jointly and severally, in whatever amount the Court or jury determines to be fair, just, and adequate compensation for the injuries and damages sustained, together with interest, liquidated damages, court costs, and

attorney fees. Plaintiff also seeks appropriate equitable relief available under the statute.

FAGAN McMANUS, P.C.

By: /s/ Barry S. Fagan
Barry S. Fagan (P34275)
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Dated: December 13, 2016

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PLAINTIFF'S DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, by and through her attorneys, FAGAN
McMANUS, P.C., and hereby demands trial by jury on the above matter.

FAGAN McMANUS, P.C.

By: /s/ Barry S. Fagan

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Dated: December 13, 2016